

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS

CR- 07-000027-001

April 29, 2008  
10:15 a.m.

**UNITED STATES OF AMERICA -v- PRISCO ONGRUNG**

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding  
FAYE CROZAT, Court Reporter  
LYNN LEMIEUX, Courtroom Deputy  
BEVERLY MC CALLUM, Assistant U. S. Attorney  
KELLEY BUTCHER, Counsel for Defendant  
PRISCO ONGRUNG, Defendant

PROCEEDING: SENTENCING

Defendant was present with his counsel, Attorney Kelley Butcher. Government by Beverly McCallum, AUSA. Also present was U.S. Probation Officer, Melinda Brunson.

Court stated that after reading the Presentence Investigation Report, the Government's objections, and the Addendum to the the Report that the tentative ruling would be to apply the U.S.S. G §2A2.4.

Government had no objection with proceeding under the application of U.S.S. G. §2A2.4.

No objection by the government of the presentence report. Counsel for defendant had no objections.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government moved for the statutory maximum sentence. Defense moved for a downward departure of the guidelines and a sentence of time served and probation.

Defendant made his elocution.

Government requested that the witness be allowed to make a statement.

Sam Martinsen, U.S. Park Ranger, addressed the Court and made his statement.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **Prisco Ongnung** is hereby sentenced to **90 days** imprisonment. Upon release from imprisonment, the defendant is ordered to serve a term of supervised release of one year which will include the following conditions:

1. The defendant shall not commit another federal, state, or local crime;
2. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter. Further, he shall submit to a maximum of eight drug tests per month, as directed by the probation officer;
3. The defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office;
4. The defendant shall comply with the conditions of supervision as adopted by this Court;
5. The defendant shall be prohibited from possessing a firearm or other dangerous weapon, as defined by federal, state, or local law, or have such weapon where he resides;
6. The defendant shall be prohibited from consuming alcohol;
7. The defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol;
8. The defendant shall have no contact with National Park Service Ranger Samuel Martinsen;
9. For the duration of Ranger Martinsen's tour of duty at the American Memorial Park on Saipan, Commonwealth of the Northern Mariana Islands, the defendant shall provide advance notice by telephone to the park's personnel of his intention to enter the park; and
10. The defendant shall participate in an Anger Management counseling program approved by the U.S. Probation Office.

Pursuant to U.S.S.G. § 5E1.1(a)(1), the defendant shall make restitution in the amount of \$202 to the U.S. Department of Labor, Worker's Compensation Program, to be due immediately after sentencing. Payment shall be made to the U.S. District Court of the Northern Mariana Islands, Attn: Clerk of Court, P.O. Box 500687, Saipan, MP 96950 for disbursement to an address to be provided by the U.S. Probation Office.

All fines were waived as the defendant does not have the ability to pay a fine.

The defendant was ordered to pay a special assessment fee of \$25.00.

Government moved to dismiss the language in Count 1 of the indictment alleging a statutory enhancement under sub-section B of 18 U.S.C. §111. Court so ordered.

No objection to the sentence by the attorneys. Defendant was advised of his rights.

Defense moved that the defendant be allowed to be at liberty to get his business affairs in order and that he be allowed to turn himself in to the U.S. Marshal this weekend. Government argued and moved that he be taken into custody immediately. Court remanded the defendant into the custody of the U.S. Marshal pending the outcome of the defendant's outstanding warrants of arrest issued by the CNMI Court. If the Defendant is released due to a resolution of his cases with the CNMI Court, then he shall turn himself in to the U.S. Marshal on Friday, May 2, 2008.

Adj. 11:05 a.m.

/s/ Lynn Lemieux, Courtroom Deputy